REMARKS

As a threshold matter, Applicants note that the Examiner has not indicated that the references included in Applicants' first two Information Disclosure Statements (IDSes) have been considered, those being a first IDS filed June 25, 2001 and a supplemental IDS filed May 29, 2002. Applicants thus respectfully request that the Examiner acknowledge consideration of the references of the previously submitted IDS by initialing each reference on a copy of the IDS and returning the copy to the Applicants' representative. Applicants have resubmitted copies of those IDSes for the convenience of the Examiner.

Overview

The Examiner has objected to claims 19 and 30-35 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form. Applicants thank the Examiner for this indication of allowable subject matter.

The Examiner has also responded in the prior Office Action as follows: rejected claims 8-18, 20-29, and 36-94 under 35 U.S.C. § 103(a) as being unpatentable over Fowler et al. (U.S. Patent No. 6,714,977).

Applicants hereby amend claims 30, 60 and 64, and thus claims 8-94 continue to be pending.

Applicants' Techniques

Applicants' techniques are generally directed to exchanging information about a modeled state, such as a current state of a user of a wearable computer or other portable computing device. In particular, values of the attributes of the modeled state are received by an intermediary module from various sources (*e.g.*, modules executing on other computing systems), and are provided by the intermediary module to various clients. In at least some embodiments, the intermediary module employs various techniques to accommodate sources that become temporarily available or unavailable, such as will typically occur with a wearable or other portable computing device as the device is transported to various physical locations while the sources remain stationary (or are transported to different physical locations). For example, in some embodiments the intermediary module tracks the current availability of the various sources

for each of the various modeled state attributes in order to accommodate their use, such as by swapping between the sources in accordance with their current availability.

The Fowler Reference

Fowler discusses techniques for monitoring server rooms and their equipment using various sensors for determining the environmental conditions. However, Fowler appears to disclose using only a single sensor of each type for an object or place, such as by having a single humidity sensor, a single air flow sensor, and a single smoke detector sensor (see, for example, Fowler col.16, lines 1-5 and col. 17, lines 18-20) – thus, since the idea of multiple duplicative or overlapping sensors for a particular attribute does not exist in Fowler, Fowler does not and cannot disclose or suggest any provisions for swapping between multiple sensors for a single attribute when a first sensor becomes unavailable. Furthermore, since the server rooms and equipment in Fowler are stationary, Fowler has no reason to discuss sources that temporarily become available or unavailable, and thus provides no suggestion or motivation for managing availability of multiple sources for a single attribute of a modeled state.

Analysis

Administrative Issues

The Examiner has requested that the prior title be replaced with a more descriptive title, and Applicants accordingly have amended the title as indicated above. In addition, while the Examiner has also requested that Applicants cancel non-elected claims 1-7, Applicants note that claims 1-7 were previously canceled in the Restriction Requirement response filed April 8, 2005.

Rejections Based On Prior Art

The Examiner has rejected each of the previously pending claims 8-18, 20-29 and 36-94 under 35 U.S.C. § 103(a) as being unpatentable over Fowler. However, each of the pending claims as rejected includes features and provides functionality not taught, suggested or motivated by Fowler.

For example, with respect to independent method claim 60, the claim as amended recites "receiving from each of multiple sources an indication of a current ability to supply values for a

specified context attribute of the context" and "receiving from at least one source an indication of a current inability to supply values for the specified context attribute of the context". Thus, claim 60 recites having multiple available sources for values of a single specified modeled attribute, as well as at least one source that has indicated its current inability to supply values for that single specified modeled attribute. In a similar manner, independent method claim 8 as previously rejected recited having multiple sources who have indicated the ability to supply values for a particular modeled state attribute, "supplying to the client a value for the one attribute based on values received for the one attribute from the first and second sources", and subsequently "receiving from the first source an indication of an inability to supply values for the one attribute." The other independent claims 54, 56, 57, 59, 75, 76, 77, 83, 84, 85, 93 and 94 each recite similar language.

Conversely, Fowler appears to lack any teaching, suggestion or motivation to use multiple sensors to measure the same attribute of a modeled current state of an object or place, and thus cannot render obvious techniques for switching between multiple such sources for a single attribute when a first source becomes unable to supply values for the attribute. Instead, and as previously discussed, Fowler merely discloses using a single sensor for determining a particular type of value (*see, e.g.* Fowler col. 16, lines 1-5 and col. 17, lines 18-20), such as a single humidity sensor, a single air flow sensor, and a single smoke detector sensor. Moreover, the portions of Fowler cited by the Examiner to correspond to the recited claim language do not support the rejection. For example, the Examiner points to lines 52-64 of column 16 when asserting that Fowler shows receiving values of a single modeled state attribute from first and second sources. However, this portion of Fowler is shown below, and Applicants can find no teaching or suggestion of having multiple such sources for a single attribute.

> At step 406, the method of this invention can read the temperature and all other channels of the analog-to-digital converter once per second, as determined at step 404. The program computes the temperature in degrees Fahrenheit, relative humidity in %, and air flow (on or off). The method of the present invention can maintain a list of user-specified thresholds for each monitored quantity. At step 408, the method checks the sensor readings against the relevant thresholds to determine if an alarm condition exists. The method of this invention performs this check at a preset interval, as determined at step 404. The method of this invention can generate an email report when one of the sensors is outside its corresponding threshold value. (Fowler, 16:52-64.)

Moreover, to support a rejection of the recitation in claim 8 of "after the supplying of the value received from the first source, . . . receiving from the first source an indication of an inability to supply values for the one attribute", the Examiner appears to be asserting that example configuration information in Figure 17 in which functionality is shown as being turned "off", such as having the sound on a smoke alarm turned off, would somehow correspond to an attribute value source providing information to indicate that the source is unable to supply values, such as if the smoke alarm suddenly provided a communication that it could no longer generate sounds.

Thus, Fowler fails to disclose, suggest or motivate using multiple sensors of a single type for a single object or place, and further fails to provide any motivation to expand the disclosed system to include such sensors (as well as failing to provide any description of how the system would manage such multiple sensors). Fowler also fails to teach, suggest or motivate that sensors would provide notifications that they have become unavailable to supply values, or that other sensors of the same type would dynamically be chosen for use based on any such notifications. The Examiner even admits that "Fowler does not explicitly show an example where values obtained from the first source and second sources can be reported together or individually to the client depending upon its availability" (Examiner's Action dated June 1, 2005, page 3), but fails to provide any motivation for expanding the Fowler system to include the claimed techniques (other than via impermissible hindsight), as well as any explanation of how such a modified system would operate. Accordingly, all of the independent claims appear to be patentable over Fowler for at least these reasons. Furthermore, the pending dependent claims each include the features of those claims from which they depend, and thus are patentable for at least the same reasons of those claims, as well as for various additional reasons specific to the dependent claims that are not discussed here for the sake of brevity.

Conclusion

In light of the above remarks, Applicants respectfully submit that all of the pending claims are allowable. Applicants therefore respectfully request the Examiner to reconsider this application and timely allow all pending claims. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 694-4815.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
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Enclosures:
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Copy of Information Disclosure Statement filed June 25, 2001
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